IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6451 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R. TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? :

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

S J BHAVSAR

Versus

STATE OF GUJARAT

Appearance:

MR MD VAKIL for Petitioners

M/S PATEL ADVOCATES for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE RAVI R. TRIPATHI

Date of decision: 15/12/2000

ORAL JUDGEMENT

Learned advocate for the petitioner is not present.

2. The present petition is filed by the petitioners who were appointed under Vaccinator (Public Health Department) Recruitment Rules, 1972 by Office Order No.EST/ 2483/ Vacci.A dated 5.9.1983 by the Chief Personnel Officer of Health Services and Health Education (Health Department), Gandhinagar, as Class III employees. The grievance made by the petitioners is that respondent no.1 declared a scheme known as "Multi Purpose Health Works Scheme" on 1.4.1977, and that respondent no.2 has issued certain instructions and suggestions by way of issuing Circular bearing No.308/0/R/G/MPHS dated 23.5.1988 wherein uni purpose workers, i.e. (i) vaccinator, (ii) Malaria Surveillance Workers and (iii) Field Workers of Family Planning are now to be treated as Multi Purpose Health Workers and these Health Workers will have to work under the scheme in rural areas as well as urban areas in the State of Gujarat. The grievance of the petitioners is that uni purpose workers of different cadre are now be treated as multi purpose workers under the scheme and they are to be under the direct control of Civil Surgeon, District Health Officer, Chief Officer of Municipality, Commissioner of Municipal Corporation and Superintendent of Community Health Centre as the case may be without mentioning anything about their seniority, promotions, pension, gratuity, GPF, payment of salary and such other administrative problems of the workers. A grievance is also made that under the scheme, persons like the petitioners will have to compulsorily reach the target of specified work of 100%; otherwise in case of failure of reaching this target, they will be personally liable for such a failure. It is this circular dated 23.5.1988 which is under challenge.

3. The order passed by this Court on 28.10.1998 reads as under :

" .. ..

Rule. Interim relief refused. Ad interim relief granted earlier vacated.

The admission of the matter does not mean that the petitioner has a strong prima facie case. This matter is required to be admitted because certain points which have been raised in the petition are required to be clarified by the other side and these points cannot be decided without assigning proper reasons. Moreover, the

balance of convenience is not in favour of the petitioner inasmuch as all that has been done by the impugned order is to direct the petitioner to work as multi purpose health worker instead of uni purpose worker. Normally this would not in anyway adversely affect the petitioner. If the petitioner ultimately succeeds in the petition, the grievance of the petitioner will get redressed. Hence there is no case for interim relief.

.. .."

4. The mater is very old. No affidavit in reply is filed by the authorities. Learned advocate for petitioners is also not present. I have perused the papers of the case. I do not find any reason to allow the petition to pend any more.

5. Hence the petition is dismissed. Rule is discharged. In case of any grievance survives it will be open for the petitioners to file a fresh petition.

15th December 2000 (Ravi R. Tripathi, J.)

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